

REMARKS

In the Office Action mailed February 25, 2008 the Examiner noted that claims 1-18 were pending and rejected claims 1-18. Claims 1-18 have been amended, no claims have been canceled, claim 19 has been added, and, thus, in view of the foregoing, claims 1-19 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections and objections are traversed below.

REJECTIONS under 35 U.S.C. § 112

Claims 1-18 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. In particular, the Office asserts that the claims are narrative and fail to conform to U.S. practice.

The Applicants have amended the claims to more fully comply with U.S. practice.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 1-7, 10-14 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hall, U.S. Patent No. 6,026,375. The Applicants respectfully disagree and traverse the rejection with an argument and amendment. Hall discusses a system of receiving and order and has the completion of the order coincide with customers arrival at the store.

The Applicants have amended claim 1 to recite "a preparation system installed in each of a plurality of preparation places where a merchandise is prepared and stored; and a transfer system installed in each of a plurality of transfer places where the merchandise prepared in a selected preparation place of the plurality of preparation places is transferred to an orderer, the systems being connected to one another via a network." The prior art of record fails to teach a plurality of preparation places and a plurality of transfer places. Additionally, the Office states that a transfer place and a preparation place are implicit at McDonalds. It is not implicit that McDonalds has a separate transfer place and preparation place, as both actions occur in the same facility at McDonalds.

Further, claim 1 has additionally been amended to recite "the selected preparation place is selected as being within a predetermined distance of the selected transfer place." In Hall, only a store where the item will be picked up is determined. Further, the three window concept in Hall, col. 1, lines 47-49, does not require a selection of a transfer place and preparation place. As the windows are fixed, they need not be selected. Support for the amendment found on page 24 lines 21 to 23 of the Specification. The Applicants submit that no new matter has been added by the amendment of claim 1.

As regards claim 2, the claim has been amended in a

manner similar to claim 1. Further, Hall fails to teach or suggest "a preparation place and transfer place determination means for determining the preparation place where the ordered merchandise is prepared in accordance with the ordering information and the transfer place where the merchandise is transferred upon receiving the ordering information from the ordering system," as in amended claim 2. Again, in Hall, only a store where an item is to be picked up is determined. There is no separate transfer place and preparation place.

Independent claims 13 and 16 have been amended in a manner similar to that of claims 1 and 2. Therefore, for at least the reasons discussed above, claims 1, 2, 13 and 16 and the claims dependent therefrom are not anticipated by Hall.

As regards claim 3, Hall fails to disclose "extracts a preparation place of the plurality of preparation places positioned in a predetermined distance from the orderer's present position, and extracts a transfer place of the plurality of transfer places positioned in a predetermined distance from the extracted preparation place," as Hall does not teach a separate transfer place of a plurality of transfer place that is a predetermined distance from the preparation place.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 15 and 18 stand rejected under 35 U.S.C. § 103(a) as being obvious over Hall. The Applicants respectfully

disagree and traverse the rejection with an argument. Dependent claims 15 and 18 are for at least the reasons discussed above as to the independent claims.

Claims 8, 9 and 17 stand rejected under 35 U.S.C. § 103(a) as being obvious over Hall in view of Ikeda, U.S. Patent Publication No. 2002/0041240. Ikeda adds nothing to the deficiencies of Hall as applied to the independent claims. Therefore, for at least the reasons discussed above, Hall and Ikeda, taken separately or in combination, fail to render obvious the features of claims 8, 9 and 17.

Withdrawal of the rejections is respectfully requested.

NEW CLAIMS

Claim 19 is new. Support for claim 19 may be found in claim 13 and claim 1. The Applicants submit that no new matter has been added by the inclusion of claim 19. The prior art failing to disclose determining a preparation place of the plurality of preparation places where merchandise of the order is prepared, the preparation place is determined by its predetermined distance to an associated transfer place.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112, 102 and 103. It is also submitted that claims 1-19 continue to be allowable. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

Please charge the fee of \$210 for the extra independent claim added herewith to our credit card as shown on the attached Credit Card Payment Form.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



James J. Livingston, Jr.
Reg. No. 55,394
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

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